

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL  
DISTRICT AND LOCKHURST DRIVE  
CHARTER ELEMENTARY.

OAH Case No. 2015060546

ORDER DISMISSING STUDENT'S  
REQUEST FOR DUE PROCESS  
HEARING, FOLLOWING ORDER TO  
SHOW CAUSE

On May 19, 2015, Student filed a request for due process hearing (complaint), naming Los Angeles Unified School District and Lockhurst Drive Charter Elementary (Lockhurst) as the respondents. On June 24, 2015, a joint request for continuance was granted, setting a prehearing conference for September 25, 2015 and due process hearing for October 6 through 8, 2015.

On September 25, 2015, Parent on behalf of Student failed to participate in the prehearing conference and was ordered to show cause as to why the matter should not be dismissed for failure to participate, prosecute, or advance the matter. The OSC was set for October 2, 2015, at 10:00 a.m. Pursuant to the OSC, Student was required to file a prehearing conference statement by September 29, 2015, or, in the case of a settlement agreement, file a Notice of Withdrawal. Student has not submitted any such documentation.

On September 28, 2015, Los Angeles Unified School District filed a notice of final settlement agreement (agreement), with signature pages, indicating that Student was "withdrawing the case, with prejudice." Lockhurst was not a party to the agreement.

Administrative Law Judge Cole Dalton conducted the OSC on October 2, 2015, at 10:00 a.m. There was no appearance on behalf of Student. Telephone calls were placed to Parent's telephone number, which went to a recorded message followed by a busy signal. Telephone calls were also placed to Lockhurst Drive Charter Elementary School. Twice, a person who identified herself as Sophia, answered the telephone and hung up after Judge Dalton identified herself and the reason for the call.

APPLICABLE LAW AND DISCUSSION

The Individuals with Disabilities Education Improvement Act requires speedy resolution of complaints. If the parent and local education agency have not resolved the due process complaint within 30 days of the receipt of the complaint, OAH is required to issue a

decision within the next 45 days, unless a continuance is granted for good cause. (20 U.S.C. § 1415(f)(1)(B)(ii); 34 C.F.R. § 300.515 (2006); Ed. Code, § 56502, subd. (f).)

Student did not file a PHC Statement, participate in the PHC, or respond to the OSC regarding dismissal, in any manner. Student has not contacted OAH regarding the OSC and did not participate in the hearing on the OSC.

Further, the agreement submitted by District and signed by Parent and District provides, “[u]pon full execution of this Agreement Petitioner hereby withdraws OAH Case No. 2015060546 in its entirety and requests that OAH dismiss this matter with prejudice.”

Student has failed to participate, prosecute or advance the matter by any means. Student’s inaction, read in conjunction with the terms of the agreement with District, indicate tacit agreement to the dismissal. The matter is hereby dismissed with prejudice.

IT IS SO ORDERED.

DATE: October 02, 2015

/s/

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COLE DALTON  
Administrative Law Judge  
Office of Administrative Hearings